



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	CRIMINAL NO. 1:11CR155
v.	)	
	)	The Honorable Liam O'Grady
JAVIER SIVERONI,	)	
	)	
Defendant.	)	

STATEMENT OF FACTS

The United States and the defendant, JAVIER SIVERONI ("SIVERONI" or "the defendant"), agree that had this matter proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt:

1. SIVERONI worked as a loan officer at SunTrust Mortgage ("SunTrust"), located in Falls Church, Virginia, in the Eastern District of Virginia, from January 1997 to October 2007 and from February 2008 to February 2011.

2. From in or about May 2005 through in or about December 2006, within the Eastern District of Virginia and elsewhere, SIVERONI unlawfully and knowingly did combine, conspire, confederate and agree with others employed by SunTrust to commit offenses against the United States, namely wire fraud.

A) The Overall Conspiracy

3. In order to get mortgage loans approved, SIVERONI and others at SunTrust prepared and caused to be prepared false and fraudulent mortgage loan applications, including

Uniform Residential Loan Applications (URLAs), in the straw buyers'<sup>1</sup> and unqualified buyers'<sup>2</sup> names. The straw buyers and unqualified buyers signed the false and fraudulent mortgage loan applications, which were then submitted to a lending institution. The fraudulent mortgage loan applications contained materially false, fraudulent and misleading information, including false information regarding applicants' residence, employment, income, and assets.

4. SIVERONI showed M.S. and Y.C. how to prepare false, fraudulent, and misleading loan applications and other documents in support of the loan application.

5. SIVERONI directed M.S. and Y.C. to prepare, and SIVERONI approved false, fraudulent, and misleading loan documents.

6. As part of the conspiracy, SIVERONI provided blank leases to other loan officers in order to corroborate false, fraudulent, and misleading information contained in loan applications.

7. Members of the conspiracy indicated that SIVERONI prepared and caused to be prepared fake and altered leases.

8. SIVERONI, M.S., and others created and caused to be created false, fraudulent, and misleading Verification of Employment forms and Verification of Rent forms that corroborated false information included on loan applications.

9. SIVERONI, M.S., Y.C., and others created and caused to be created fake and false employment letters, Certified Public Accountant letters, tax preparer letters, Verification of Deposit forms, and Alternative Credit Reference letters that were submitted to SunTrust in

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<sup>1</sup> A "straw buyer" was an individual whose name and credit were fraudulently used to purchase property and to secure mortgage financing.

<sup>2</sup> An "unqualified buyer" was an individual whose employment, monthly income, assets, citizenship or previous home purchases was falsified in loan documents to qualify the individual for larger home mortgage loans or better interest rates in an effort to purchase properties the individual could not otherwise have afforded.

support of false, fraudulent, and misleading loan applications.

10. In order to obtain mortgage loans for the straw buyers and unqualified buyers, SIVERONI and others submitted false, fraudulent, and misleading loan applications to SunTrust for underwriting and approval. The straw buyers and unqualified buyers used the mortgage loan proceeds to purchase properties and refinance existing loans.

11. SIVERONI profited from these fraudulent transactions in numerous ways, including through commissions and awards.

12. SIVERONI acted as the loan officer for at least 15 fraudulent property transactions within the Eastern District of Virginia. As a result of these fraudulent transactions, unqualified buyers and straw buyers obtained over \$6.5 million in mortgage loan proceeds and victims suffered losses of at least \$2.5 million.

B) Relevant Properties

13. SIVERONI acted as the loan officer on fraudulent loan applications that involved the following properties:

- 2117 South Nelson Street, Arlington, Virginia
- 5207 Dalton Road, Springfield, Virginia
- 108 Tattersall Court, Stephens City, Virginia
- 4333 Golden Gate Way, Dumfries, Virginia
- 4335 Golden Gate Way, Dumfries, Virginia
- 4327 Golden Gate Way, Dumfries, Virginia
- 4331 Golden Gate Way, Dumfries, Virginia
- 13536 Davinci Lane #52, Oak Hill, Virginia
- 813 Madison Court, Stafford, Virginia
- 4006 Parkwood Street, Brentwood, Maryland
- 100 Hidden Oaks Ct. #2, Pawleys Island, South Carolina
- 7712 Bristow Drive, Annandale, Virginia
- 15192 Cloverdale Road, Woodbridge, Virginia
- 244 Reubins Circle, Martinsburg, West Virginia
- 6354 Columbia Pike, Falls Church, Virginia

14. On or about July 17, 2006, SIVERONI, for the purpose of executing the scheme described above, knowingly caused to be transmitted by wire communication in interstate commerce a fax of a proof of insurance letter from SunTrust in Falls Church, Virginia to Pawleys Insurance Agency in Pawleys Island, South Carolina.

C) Conclusion

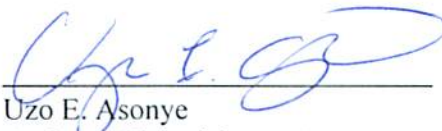
15. The defendant's actions, as recounted herein, were in all respects intentional and deliberate, reflecting an intention to do something the law forbids, and were not in any way the product of any accident or mistake of law or fact.

16. The foregoing Statement of Facts is a summary of the principal facts that constitute the legal elements of the offense of conspiracy to commit wire fraud. This summary does not include all of the evidence that the government would present at trial or all of the relevant conduct that would be used to determine the defendant's sentence under the Sentencing Guidelines and Policy Statements.

Respectfully submitted,


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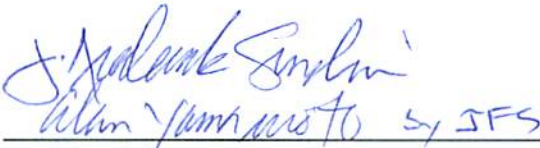
Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending indictment. Further, I fully understand all rights with respect to Title 18, United States Code, Section 3553 and the provisions of the Sentencing Guidelines Manual that may apply in my case. I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand this agreement and voluntarily agree to it.

Date: 7/27/11

  
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JAVIER SIVERONI  
Defendant

Defense Counsel Signature: I am counsel for the defendant in this case. I have fully explained to the defendant the defendant's rights with respect to the pending indictment. Further, I have reviewed Title 18, United States Code, Section 3553 and the Sentencing Guidelines Manual, and I have fully explained to the defendant the provisions that may apply in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: 7/29/2011

  
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Fred Sinclair, Esquire  
Alan Yamamoto, Esquire  
Counsel for the Defendant